

AMENDED IN SENATE APRIL 16, 2004

SENATE BILL

No. 1539

Introduced by Senator Ortiz

February 19, 2004

An act to add Section 1418.05 to the Health and Safety Code, relating to long-term health care facilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1539, as amended, Ortiz. Long-term care facilities.

The existing Long-Term Care, Health, Safety, and Security Act of 1973 establishes an inspection and reporting system and a provisional licensing mechanism to ensure that long-term health care facilities, as defined, are in compliance with state statutes, regulations, and standards pertaining to patient care. Existing law provides that a person who willfully or repeatedly violates provisions of the act is guilty of a misdemeanor punishable by a fine, imprisonment, or both.

This bill would ~~require~~ *authorize* a long-term health care facility that has an exclusive contract with a health care provider, as defined, to ~~honor a resident's request for treatment from a health care provider with whom the facility does not have an exclusive contract~~ *provide a written prescription for dental hygiene services to be conducted by a registered dental hygienist in alternative practice. By creating a new duty under the act, this bill would impose a state-mandated local program by changing the definition of an existing crime.*

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~—no.
State-mandated local program: ~~yes~~—no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1418.05 is added to the Health and
2 Safety Code, to read:

3 1418.05. (a) A long-term *health* care facility that has an
4 exclusive contract with a health care provider ~~shall honor a~~
5 ~~resident's request for treatment from a health care provider with~~
6 ~~whom the facility does not have an exclusive contract.~~ *may, in*
7 *accordance with Section 1775 of the Business and Professions*
8 *Code, provide a written prescription for dental hygiene services to*
9 *be conducted by a registered dental hygienist in alternative*
10 *practice.*

11 (b) As used in this section, “health care provider” means a
12 person licensed under Division 2 (commencing with Section 500)
13 of the Business and Professions Code.

14 ~~SEC. 2.—No reimbursement is required by this act pursuant to~~
15 ~~Section 6 of Article XIII B of the California Constitution because~~
16 ~~the only costs that may be incurred by a local agency or school~~
17 ~~district will be incurred because this act creates a new crime or~~
18 ~~infraction, eliminates a crime or infraction, or changes the penalty~~
19 ~~for a crime or infraction, within the meaning of Section 17556 of~~
20 ~~the Government Code, or changes the definition of a crime within~~
21 ~~the meaning of Section 6 of Article XIII B of the California~~
22 ~~Constitution.~~

